

Grant County Planning Commission

October 27th, 2003

The October 27 2003 regular meeting of the Planning Commission was called to order by John Lawrence at 7:00 p.m.

Those in attendance: John Lawrence, Vernon Webster, Nick Kinman, Billy Marksberry, Brooke Rider, William Covington, Stephen Fritz, Engineer: Tony Pangallo, Attorney: Tom Neinaber, Administrator: Jonathan Britt, Secretary: Becky Ruholl

There was a quorum present.

ITEM 1. SEPTEMBER MINUTES

Stephen Fritz made a motion to approve the meeting minutes for September, Nick Kinman seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

ITEM 2. SEPTEMBER FINANCIAL REPORT

Vernon Webster made a motion to approve the September financial report, Brooke Rider seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

ITEM 3. ADMINISTRATORS REPORT

Jonathan stated that there would be continuing education on October 28th on the 3rd floor of the courthouse.

ITEM 9. KOI- SITE PLAN

withdrawn

ITEM 10. SUN MANUFACTURING - SITE PLAN

A representative of Vector Construction stated that the request was for a 20,000 square foot addition to the existing building for warehousing purposes. He stated that Mr. Erpenbeck had approved the plan.

John Lawrence read a letter from Erpenbeck Engineers recommending approval of the plan.

Vernon Webster made a motion to approve the plan, Stephen Fritz seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

ITEM 11. HARBOR POINT - IMPROVEMENT PLAT

John Lawrence read a letter from Erpenbeck Engineer recommending approval of the plan.

William Covington asked if the site distance for the entrance met the requirements.

Craig Moore stated that it did.

Nick Kinman asked if this would be on Williamstown sewer.

Craig Moore said that it was.

Nick Kinman made a motion to approve the plat, Stephen Fritz seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

ITEM 4: ZONE CHANGE - COLDIRON

APPLICANT: James & Patricia Coldiron

GENERAL LOCATION: on the south side of Russell-Flynn Road, 0.2 miles east of Heathen Ridge Road

REQUEST: Agricultural - One (A-1) to Rural-Residential (RR)

John Lawrence declared the public hearing open and asked if all fees were paid and notices given. Staff replied that fees were paid and notices given.

Elizabeth Chandler-Lester, representing the applicant, stated that the request was to change from A1 to RR. She said that Mr. Coldiron's mother-in-law had lived in a mobile home on their property and she had recently passed away and they were wanting to sell the mobile home and 1 ½ acres.

John Lawrence asked if anyone wished to speak for or against the request.

No one spoke for or against the request.

John Lawrence declared the public hearing closed.

Jonathan read the staff recommendation, which was approval of the zone change request because the proposal is in compliance with the adopted Comprehensive Plan with conditions. Findings in support of this recommendation are: 1. the roadway is sufficient enough to accommodate the amount of traffic that could be generated from the proposed zoning classification. 2. the proposed zone change does not increase the number of septic systems for the area. 3. there should be no significant impact to the surrounding property owners or the availability of urban services since there is an existing home on a portion of the property. CONDITIONS: 1. the remaining portion of the three (3) acre tract (1.5 acres) should be required to be rejoined to the adjoining property currently in ownership by the applicant.

Mrs. Chandler stated that they had no problem with that condition.

Nick Kinman made a motion to approve the request because the roadway is sufficient to handle the traffic and this would not increase the number of septic systems therefore would not negatively impact the surrounding area, with the condition that the 1.5 acres without a home go back with the existing acreage owned by the applicant, Brooke Rider seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

ITEM 5: ZONE CHANGE - DIXON

APPLICANT: Oscar & Margaret Dixon

GENERAL LOCATION: on the west side of U.S. 25 and on the west side of I75 approximately 0.5 miles north of Bannister Pike

REQUEST: Residential - Two (R-2) and Agricultural - One (A-1) to Residential - Three (R-3).

John Lawrence declared the public hearing open and asked if all fees were paid and notices given. Staff replied that fees were paid and notices given.

David Wallace, representing the applicants, stated that the request was to change 63 acres of A1 and 9 acres of R2 to Residential Three. He said that they were proposing 187 lots which was a density of 2.58 units per acre with 6 acres for recreation. He said that although R3 allows for multifamily they only wanted single family homes and would agree to a condition stating single family homes only. He said that this request is in agreement with the Comprehensive Plan which states that the Sherman area has potential for additional growth and the future land use map shows 58% of this property as high density and 42% as low density. He said that the low density is considered 0-3 units per acre and their plan shows 2.5 units per acre which agrees with the future land use map. Mr. Wallace said that the R3 and the Comprehensive Plan require proper infrastructure, he said that this subdivision will have a waste water treatment plant that will be dedicated to Bullock Pen from which they have an agreement to take over the system. He said that the recreation areas would be owned by a Homeowners Association, the main access would be off of US. 25, with another access onto existing Spillman Drive.

Vernon Webster asked why they were requesting R3 if they were going to have single family only.

Mr. Wallace said that they could get the 3 lots per acre and that all of the lots are above 11,000 square feet.

John Lawrence asked if anyone wished to speak for or against the request.

Foster Darrell said that he was here to speak on another request but felt that having subdivisions building sewer plants when they don't have plants for existing homes is wrong. He said that this should be R1 or left agricultural. He stated also that the schools and fire could not accommodate the additional homes.

John Lawrence declared the public hearing closed.

Jonathan read the staff recommendation, which was approval of the zone change request because the request is in compliance with the adopted Comprehensive Plan with several conditions. Findings in support of this recommendation are: 1. proposed development does provide for adequate treatment of sanitary sewer from the proposed development. 2. the roadway could be sufficient (see conditions section below) enough to accommodate the proposed development. 3. the land use map of grant county in the 2001 Comprehensive Plan Update shows the area to be a mixture of low density and high density residential development. The proposed concept plan shows a development density of 2.58 units per acre, which is well under the low density and high density as required by the Comprehensive Plan. CONDITIONS: 1. a turn lane, both northbound and southbound on US 25, should be installed by the developer/applicant to accommodate the additional traffic from the proposed development. 2. a street connection should be made from the existing Spillman Drive to the development to ease traffic congestion. 3. to

accommodate the true intent of residential-three zoning classification, the areas around the proposed lakes should be significantly increased. 4. the recreational area, set aside in the development plan should be no less than 15% of the total area of the development. This should not include rights-of-ways, waste water treatment plant or detention areas. 5. an agreement should be reached by the applicant/developer as to the permitted uses on the proposed development. 6. an agreement should also be reached between the applicant/developer as to any "new" zoning classification that would fit the project more appropriately. For example, the proposed countywide zoning ordinance approved by the commission in June 2003 will have a more appropriate zoning classification for the property.

Jonathan also stated that the R3 would allow for some commercial and asked if they would agree to a condition of no commercial development.

Mr. Wallace stated that they would agree to that.

Mr. Wallace addressed each of the requested conditions: condition 1: he said that they did not know what the state road department would require and that they will agree to comply with what is required from the Department of Transportation. Condition 2: He said that they do not have a problem with this condition. Condition 3 & 4: He said that they felt that they were leaving more green space and recreation than other subdivisions with the 6 acres of recreation and the additional green space that was left. Condition 5: He said that they agree to single family homes only and no commercial. Condition 6: He said that they don't know what the new zoning code will be but if there is a new zone like this one then they would not have a problem with the condition.

Vernon Webster asked if the developer or the owners would maintain the recreation areas and the green spaces.

Mr. Wallace said that the areas would be turned over to the Homeowners Association.

Vernon Webster asked if the treatment plant would be taken over by the Sewer District.

Mr. Wallace stated that in August the Bullock Pen District passed a resolution to take over this system after the developer maintains the system for 1 year.

Mr. Neinaber stated that the minutes of the Bullock Pen District had not been approved as of this date.

Stephen Fritz made a motion to approve the request because it is in agreement with the Comprehensive Plan based on the staff findings in the staff report with the following conditions: 1. a turn lane be installed if required by the Kentucky Department of Transportation. 2. a street connection should be made from the existing Spillman Drive to the development to ease traffic congestion. 3. the development consist of Single Family homes only, Nick Kinman seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

ITEM 6: ZONE CHANGE - TOOLE

APPLICANT: George Toole

GENERAL LOCATION: on the southwest side of Dry Ridge Mt. Zion Road, 1.8 miles north of KY, Route #467

REQUEST: Agricultural - One (A-1) to Residential - One (R-1).

John Lawrence declared the public hearing open and asked if all fees were paid and notices given. Staff replied that fees were paid and notices given.

Steve Howe representing the applicant stated that the property is located on Dry Ridge Mt. Zion Road and the request is within the Comprehensive Plan and the future land use map shows this property as R1. He said that the proposed development is going to be like what is already on the road, it will be the same type development as Jenni Lane and that they are going to have a restriction of a minimum of 1650 square feet in a ranch style home. He stated that his research had showed that in the past 2 years 22 homes had sold averaging \$211,000.00 each and that currently there are 5 or 6 homes listed averaging \$224,980.00. He said that centralized sewer is an Objective in the Comprehensive Plan which is not the Zoning Ordinance and that the future land use map is predominately residential in nature for the Dry Ridge Mt. Zion Road. He said that most people looking at \$200,000.00 to \$250,000.00 homes are looking in this area and they are not going to spend that type of money if they think there is a problem with the sewage, roadway or other problems. Mr. Howe said that 95% percent of this land is within the designated R1 area of the Comprehensive Plan Future Land Use Map.

Jonathan stated that the Future Land Use Map does not designate areas at A1 but as low density.

Mr. Howe stated that this request fits within low density requirements of 0-3 units per acres.

Logan Murphy said that this development had 0.55 units per acre and the average lots size was 1.8 acres.

John Lawrence asked if anyone wished to speak for or against the request.

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Sharon Beach said that she was not concerned with the property being developed but with the price ranges of the houses and concerned with the increase in traffic and that the roadway is not wide enough. She said that the road could not handle 210 more cars.

Linda Meyers stated that she felt the same way as Mrs. Beach.

Mark Spillman said that most homes have 2 cars and that in the past 5 years Steers Estates has 77 lots, Deer Run has 48 lots and Lexington Trails has 120 which makes 490 cars and this development would add 70 homes which would be 140 cars. He said that getting onto Hwy. #467 from Dry Ridge Mt. Zion Road is difficult because there is no stoplight. He said that the road has 3 90 degree curves and a lot of 45 degree curves, is not divided and has had a number of serious accidents in the past 10-15 years. He said that the development needs to hold off until the road is widened.

John Lawrence declared the public hearing closed.

Jonathan read that Chapter 8, Page 8-5 of the 2001 Comprehensive Plan Update reads as follows: "Residential land use in Grant county is located mostly around Lake Williamstown, KY 467, Dry Ridge Mt. Zion Road, Lemon Northcutt Road and Crittenden Mt. Zion Road. This development pattern has created a number of consequences for the residents and the community. First, many residents are living in remote areas beyond the economically feasible service areas for water and sewer utilities. This results in public health problems (as well as violations) for some residents and in environmental degradation in many instances. Other services, such as police, fire, road maintenance, school bus, rescue, ambulance, library, and hospital services are extremely expensive and difficult to provide in remote areas." Jonathan read the staff recommendation, which was denial of the zone change request because the proposal is not in compliance with the adopted Comprehensive Plan. Findings in support of this recommendation are: 1. proposed development does not have "centralized sanitary sewer for all major subdivisions" as required in the 2001 Comprehensive Plan Update. 2. The roadway is not sufficient enough to handle the additional traffic that would be generated by the proposed development. Thus placing a great burden on the population in the area in dealing with narrow winding roadways and the availability of adequate police and fire protection. 3. proposed development does not "encourage the minimizing of the proliferation of septic systems for new developments" or "encourage the prevention of pollution by providing adequate facilities for the property treatment and handling of sewage."

Mr. Howe said that this property is within the low density area of the Future Land Use Map and that the road has developed the same way as this development. He said that in the last zone change the Future Land Use Map was included in the recommendation and in this one it was omitted so is it important in some and not in others.

Jonathan stated that the development does meet the 0-3 units per acres as shown in the Future Land Use Map.

Stephen Fritz asked if there was any planning being done with the road.

William Covington commented that no improvements would be done until the county sees that it is necessary.

John Lawrence said that a portion of the road has been widened.

Residents stated that the widening was very little and that white stripes had been added to the outside edge of the road.

John Lawrence asked if the applicant had considered a waste water treatment plant.

Logan Murphy said that the applicant, Mr. Toole, wanted the development this way.

Vernon Webster asked if they have talked to the Sanitation District.

Logan said that this property was included in the 201 Study for Dry Ridge and therefore is not on the County Plan.

Jonathan said that the \$80,000.00 to \$90,000.00 market for homes is what is needed in the county.

Mr. Howe agreed but said that the other developments in this price range have done well.

Stephen Fritz asked if the development would take longer because of the price range of the homes.

Mr. Howe said that it would probably not be a quick development.

Jonathan asked if foresaw any problems with getting septic on the lots.

Mr. How said that they did not and were unaware of problems in Steers or Deer Run; he knew that there were problems in Lexington Trails with some of the lots.

Jonathan asked if they had done a traffic analysis.

Mr. Howe said that they had not.

Mark Spillman said that in Steers and Lexington Trails there were lots that the perk test had failed.

John Lawrence asked about the development coming out on Cummins Lane which was very narrow.

Mr. Howe said that would be the last area to be developed.

Mr. Toole said that he did not have a problem widening that portion of Cummins Lane.

Vernon Webster asked if there was other property on Cummins Lane that could develop.

Mr. Howe said that there was other property but that it was not included in the Future Land Use Map.

Vernon Webster stated that he was disappointed that they were going to put septic systems in another development.

Nick Kinman stated that he didn't see how they could turn this down and that they are not going to fix the road until they get the tax structure out there.

Nick Kinman made a motion to approve the request because it is in compliance with the Comprehensive Plan with the condition that the developer widen Cummins Lane if the entrance is used in the development, William Covington seconded the motion. A hand vote was taken, Vernon Webster: yes, Nick Kinman: yes, Billy Marksberry: yes, Brooke Rider: no, William Covington: yes, Stephen Fritz: yes. Motion passes.

ITEM 7: ZONE CHANGE - MCGEE

APPLICANT: Cliff McGee Estate

GENERAL LOCATION: on the north side of Warsaw Avenue in the City of Dry Ridge

REQUEST: Agricultural - One (A-1) to Neighborhood - Commercial (NC)

John Lawrence stated that the administrators report requested that the application be tabled since proper evaluation of the project could not be completed with the information that was given to the office.

Tom Neinaber stated that the Zoning Ordinance states that any request to a neighborhood commercial zone must include a development plan unless waived by the Administrator and Mr. Britt has not issued a waiver.

Jonathan stated that Bobby Robbins is the Administrator for the City of Dry Ridge and would have to issue the waiver.

Logan Murphy said that the state had purchased portions of this property creating 3 free standing parcels that are zoned A1 but do not meet the A1 requirements. He said that the owner has no use or plan for a use on the lots and if they are sold separately for uses it would require 3 separate zone changes.

Vernon Webster made a motion to table the request until a waiver is issued or a concept plan is created, Brooke Rider seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

ITEM 8: ZONE CHANGE - EADS

APPLICANT: Harvey Eads & Virginia Blazovic

GENERAL LOCATION: on the south side of Violet Road, 1.5 miles west of I75

REQUEST: Agricultural - One (A-1) to Residential - Two (R-2)

John Lawrence declared the public hearing open and asked if all fees were paid and notices given. Staff replied that fees were paid and notices given.

Steve Howe stated that Mike Melton has a contract on the property subject to the zone change being approved. He said that the property lies with the Land Use Map area designated for low density development and could be right for commercial. He said that the request was for R2 as single family homes with the requirements of 1500 square feet on a ranch and 1,000 square feet on the first level of a two story home. He said they did not request R1 because of the way that the lots lay in the front and in the rear. The lot width would be 100 feet wide. Mr. Howe said that there is water available to the area and that the City recently annexed the property. There is an easement for the sewage to go to Crittenden through the pump station on Bingham Lane. He said that the developer has no objection to widening the road in front of this area and providing a turning lane into the main entrance into the subdivision which is the middle entrance.

Mike Melton said that there idea was to save as many trees in the development as possible and that the lots would probably be sold for \$33,000.00 to \$35,000.00 each.

John Lawrence asked if anyone wished to speak for or against the request.

Penny Brown said that she lived on Bullock Pen Lake and she brought her children here to raise them in a country community and she doesn't want to live in the "projects". She said that this development is proposing 201 homes and asked how many years it

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was going to be before they updated the road. She said that all the classes in school were full and asked what would stop them from using 10,000 square foot lots. She said that the county does not have the water for the homes and stated that the area is overrun with low income homes.

Kristi Steinau said that this property abuts to her property and currently there are 2 homes that abut her property with ½ acre lots. She said that she is concerned with the lot size because the existing lots in the area are 1 acre and the houses are more than \$175,000.00 and Violet Road is not paved correctly. She said that crime is bad in the Harvester Subdivision and that this request looks like Harvesters. She said that the development barely makes low density with 2.47 units per acre and she didn't see why they couldn't make the lots 1 acre. She said she would like to see more green space and buffers along the rear of the lots and would like to see homes that are comparable to what already exists. She also said that the roads should be right before the development.

Darren Hensley said he lives West of property and that there should be more green space and that there are too many house for the space, he said he would like to see larger lots and higher quality homes. He stated that the traffic situation is bad now and that the roads are a disgrace. He said he is from Hebron and saw what happened there and does not want to see it in Crittenden and that he commutes 33 miles to live in the country.

Darrell Foster said that the other developments have a turn lane but there is only one entrance to I75 and everyone who lives out there goes to I75. He said with what has already been approved tonight it was going to fill 2 schools.

Mike Mabry said Mr. Howe has made the comment that this property could be commercial and asked if anyone could image commercial 1-2 miles off I75. He also said that he hates to ruin the way of life that there is out there now.

Tom Funk asked if the restrictions could be made a condition to the zone change request.

Jonathan stated that they could.

Penny Brown asked if the lots with the backs facing Violet could have landscaping to block the view.

Mr. Melton said that he was going to leave the woods that were there.

Sharon Darrell said that deed restriction were only good if the owners sued their neighbors to get them to comply.

Jonathan said that if the restrictions are part of the zone change then they are enforceable by the Commission.

Mr. Melton presented some restriction that he had drawn up and stated that they would be upgraded.

John Lawrence read a letter from Mr. Offut, see attached.

Mr. Howe stated that this development was not commercial and would be residential only. He said that the Harvesters Subdivision has 250 lots on 60 acres and the lot size is 6,500 square feet and that the developer is willing to agree to a condition that this development have 100 ft. wide lots.

Foster Darrel asked what the plan for the run off water was.

Logan Murphy said that the back part is a wooded slope and that the rear 55 acres is not going to be developed.

Jonathan asked what was going to be done with the undeveloped land.

Logan stated that it was going to be left alone.

Jerry Brown asked how come there was no detention.

Logan said that the drainage would be shown on the Improvement plat.

Jerry Brown said that since the property had been annexed by the City then the City overrules the Commission.

Jonathan stated that the City has 3 options 1. to approve the Commission recommendation 2. come to a different conclusion based on the same information from the public hearing 3. have their own public hearing.

Logan stated that 81.45 acres would be developed at this time and 55.27 acres would be left undeveloped.

Mr. Melton said that the rear could not be developed and his son may build 1 house on the acreage and also that an adjoining property owner had been interested in the land.

Foster Darrel commented that 201 homes on 81.45 acres was a lot of homes on that number of acres.

Mr. Neinaber stated that it could take some time to come up with agreeable conditions on the property and the logical thing to do was to table the request until conditions could be agreed upon.

Mr. Melton said that he was under a time restriction because of the contract.

Mr. Howe said that they had no problems with conditions concerning the width of the lots, size of homes, requiring garages.

Jonathan read the staff recommendation, which was denial of the zone change request because the zone change request is not in compliance with the adopted Comprehensive Plan. Findings in support of this recommendation are: 1. the current land use map of the City of Crittenden provides for the general area to be partially low density residential and agricultural/rural residential in nature. With the current conceptual development plan, at 10,000 square feet per lot, this would well exceed the 0-3 housing units per acre on the front portion of the proposed development. 2. the roadway is not sufficient enough to accommodate the amount of traffic that could be generated by the proposed development.

Vernon Webster made a motion to table the request until the next meeting so that verbal commitments about the deed restrictions and what was to be done with the remaining acreage made by the developer could be written out and the public hearing will be reopened and reconvene at the next meeting to consider the conditions.

Tom Funk said asked if the public could comment on the conditions.

Mr. Neinaber said that they could because the public hearing would be reopened.

William Covington seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

Mr. Howe stated that there may be different Commission members at the next meeting.

Mr. Neinaber said that the Commission members could review the public record before the meeting.

ITEM 12: CONVEYANCE PLATS - OCTOBER

Vernon Webster made a motion to approve the list of conveyances, Brooke Rider seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

ITEM 13: EXECUTIVE SESSION

Vernon Webster made a motion to go into executive session to discuss personnel, Brooke Rider seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

Brooke Rider made a motion to come out of executive session, Vernon Webster seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

John Lawrence stated that no action was taken during the executive session.

ITEM 14: OTHER BUSINESS

none

Item 15. Adjournment

Nick Kinman made a motion to adjourn, Brooke Rider seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

JOHN LAWRENCE, CHAIRMAN - DATE

NICK KINMAN, SECRETARY - DATE